

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.
8

9 Transcript of excerpt of testimony of
10 WILLIE ROMERO
11 May 2, 2018
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1	I N D E X	
2	EXAMINATION OF WILLIE ROMERO	
3	By Mr. Castellano	3
4	By Mr. Sindel	20
5	By Mr. Castellano	59
6	REPORTER'S CERTIFICATE	69
7	EXHIBITS ADMITTED	
8	Government 809 Admitted	7
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 THE COURT: All right. Does the
2 Government have its next witness or evidence?

3 MR. CASTELLANO: Yes, Your Honor. The
4 United States calls Willie Romero.

5 THE COURT: Mr. Romero, if you'll come up
6 and stand next to the witness box on my right, your
7 left, my courtroom deputy, Ms. Bevel, will swear you
8 in.

9 WILLIE ROMERO,
10 after having been first duly sworn under oath,
11 was questioned, and testified as follows:

12 THE CLERK: Please state your name and
13 spell your last name for the record.

14 THE WITNESS: Willie Romero, R-O-M-E-R-O.

15 THE COURT: Mr. Romero, Mr. Castellano.

16 MR. CASTELLANO: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. CASTELLANO:

19 Q. Good morning, Mr. Romero.

20 A. Good morning.

21 Q. Can you tell the members of the jury if
22 you are or ever have been a member of the SNM Gang?

23 A. Yeah, I was.

24 Q. And prior to being an SNM Gang member,
25 were you a member of a gang called the East Side

1 Locos?

2 A. Yes, I was.

3 Q. If you can, sir, I'm going to have you
4 move a little closer to the microphone to make sure
5 I can hear you.

6 THE COURT: Why don't you pull it down so
7 it's more even with your mouth?

8 BY MR. CASTELLANO:

9 Q. Mr. Romero, about how old were you when
10 you first joined the East Side Locos?

11 A. I was, like, 10.

12 Q. How did you become a member of that gang?

13 A. I got beat up.

14 Q. Is that called getting jumped in, or did
15 it have a different name?

16 A. No, that was getting jumped in.

17 Q. And about how long did you get beat up?

18 A. For 12 seconds.

19 Q. About when was that, approximately? What
20 year?

21 A. 1990, 1991.

22 Q. And who were the leaders of the -- I'll
23 call it the ESL for short. Who were the leaders of
24 the ESL at that time?

25 A. To my knowledge, it was Joe and Ben

1 Gallegos.

2 Q. And did you know any other leaders in the
3 ESL at that time?

4 A. They were just big homies.

5 Q. Do you know somebody named Andrew
6 Gallegos?

7 A. Yes.

8 Q. How was he tied to the ESL?

9 A. He was a brother.

10 Q. Was he also in the gang?

11 A. Yes.

12 Q. Did you know somebody named Frankie
13 Gallegos?

14 A. Yes.

15 Q. Did you know him by any other names?

16 A. Cunte.

17 Q. At some point you mentioned that you were
18 an SNM Gang member. About when was it that you
19 joined the SNM?

20 A. In 2000, 2001.

21 Q. How did that happen?

22 A. They told me to beat up Jeremiah Looney.

23 Q. Who was he?

24 A. He was a white dude.

25 Q. Do you know if he was a member of any

1 other gang in prison, or did you know him as a white
2 dude in prison?

3 A. I think he was an Aryan Brotherhood.

4 Q. And was that an order given to you by
5 anyone in the gang?

6 A. Yes.

7 Q. And did you follow that order because
8 you -- it was expected of you as a gang member?

9 A. Yes.

10 Q. Are you familiar with the term "earning
11 your bones"?

12 A. Yes.

13 Q. And what did you do to earn your bones to
14 join the gang?

15 A. You hurt somebody.

16 Q. And did you, in fact, do that to somebody?

17 A. Yes.

18 Q. What did you do?

19 A. I beat up that Jeremiah Looney.

20 Q. When you beat up Jeremiah Looney, were you
21 on the streets or were you in prison?

22 A. I was in prison.

23 Q. Okay, sir. I'm going to go over with you
24 real quickly some of your criminal history, okay?

25 For the record, this is Government's Exhibit 809.

1 And I move the admission of 809.

2 THE COURT: Any objection to Government's
3 809?

4 MR. SINDEL: No, Your Honor.

5 THE COURT: Not seeing or hearing any,
6 Government's 809 will be admitted into evidence.

7 (Government Exhibit 809 admitted.)

8 BY MR. CASTELLANO:

9 Q. Sir, I'm going to direct your attention to
10 the fourth page of this package that we refer to as
11 a pen packet. If you look to your left, there will
12 be a screen there you can take a look at. Page
13 71840, I'm circling it for you so you don't have to
14 read the whole document. Do you see it's a judgment
15 and sentence?

16 A. Yes.

17 Q. I'm going to direct your attention to the
18 next page of that document. And I'm circling two
19 items on there. It looks like conspiracy to commit
20 shoplifting and shoplifting over \$250?

21 A. Yes.

22 Q. Were those your prior convictions, sir?

23 A. Yes.

24 Q. Let me direct your attention to two pages
25 later in this exhibit. Do you see here what's

1 called a judgment, partially suspended sentence, and
2 commitment?

3 A. Yes.

4 Q. And was that for a crime of armed robbery,
5 shoplifting, and possession of a firearm by a felon?

6 A. Yes.

7 Q. And was that from -- were you sentenced
8 here in 2004?

9 A. Yes.

10 Q. Let me go back in time. Let me turn to
11 page 71846 of that document. In the year 2000 do
12 you see that you were convicted of the crime of
13 robbery?

14 A. Yes.

15 Q. Turning to page 71849 of Exhibit 809, do
16 you see a conviction here for aggravated battery
17 with a deadly weapon and escape from a peace
18 officer?

19 A. Yes.

20 Q. Were those also offenses for which you
21 were convicted and sentenced in the year 2000?

22 A. Yes.

23 Q. Mr. Romero, we're trying to shorten some
24 of these examinations here, so I'm going to move
25 forward to the year 2008. And I want to ask you if

1 you met somebody named Adrian Burns in that year.

2 A. Yes.

3 Q. How did you meet him?

4 A. I met him at the probation office.

5 Q. And so were both of you at that time
6 either on probation or parole?

7 A. I was on parole and he was on probation.

8 Q. How is it that you guys got to know each
9 other at the office?

10 A. He asked me if I knew an older gentleman
11 in Belen. That happened to be my dad.

12 Q. And did he know him?

13 A. Yes.

14 Q. And as a result of having somebody you
15 both knew, did you begin talking?

16 A. Yes.

17 Q. Did you have any significant interaction
18 with him after the first meeting?

19 A. No, we were at the P.O.'s office.

20 Q. And when was the next time you would have
21 had contact with Mr. Burns?

22 A. It was a while later. I seen him at a
23 courthouse. I was there for a traffic violation.
24 And I don't know what he was there for.

25 Q. What did you guys talk about then?

1 A. He needed help. He couldn't find -- he
2 couldn't find some dope, so I was going to find some
3 dope for him.

4 Q. And at that point in time did you know
5 where to find drugs?

6 A. Yes.

7 Q. What kind of drugs was he looking for?

8 A. Heroin.

9 Q. And did you help him find some heroin?

10 A. Yes.

11 Q. What was the purpose of getting him heroin
12 at that time? Was it so he could use it or so he
13 could sell it?

14 A. So he could sell it.

15 Q. And then after that encounter, did you
16 still have a lot of contact with him, or a little
17 contact?

18 A. We would meet, but it was a couple months'
19 distance from each other. It wasn't like on a
20 day-to-day basis.

21 Q. And then at some point did you have more
22 frequent contact with him?

23 A. Yes.

24 Q. About when was that?

25 A. Closer to his death is when we started

1 seeing each other a little bit more often.

2 Q. And what would you guys sometimes do when
3 you were interacting with each other?

4 A. I would buy dope from him or he would buy
5 dope from me.

6 Q. So did you guys sometimes have different
7 people from whom you got drugs?

8 A. Yes.

9 Q. And so if he didn't have drugs, could you
10 sometimes get drugs for him?

11 A. Yes.

12 Q. And the opposite, if you didn't have
13 drugs -- did I get that right -- either way, if one
14 of you didn't have drugs, could the other help the
15 other person get drugs?

16 A. Yes.

17 Q. And at that point can you tell the members
18 of the jury if you were both dealing drugs in the
19 community?

20 A. Yes.

21 Q. In which community were you living in
22 2012? What city or town?

23 A. Belen.

24 Q. From your interactions with Mr. Burns, do
25 you know the general areas where he was dealing

1 heroin?

2 A. He was more into, like, the Los Chavez
3 area.

4 Q. For the members of the jury who don't know
5 where Los Chavez is, where would that be?

6 A. In between Belen and Los Lunas.

7 Q. I'm going to show you Exhibit 907. Do you
8 recognize the person in that exhibit?

9 A. Yes.

10 Q. Who is that person?

11 A. That's Adrian Burns.

12 Q. And this is a person who, like you, is
13 dealing heroin in the Belen-Los Chavez area?

14 A. Correct.

15 Q. From your dealings with Mr. Burns, were
16 you aware of whether or not he was selling drugs to
17 the Gallegos brothers?

18 MR. SINDEL: Object, Your Honor. No
19 foundation, hearsay.

20 MR. CASTELLANO: I can lay some
21 foundation, Your Honor.

22 THE COURT: All right. Lay some.

23 BY MR. CASTELLANO:

24 Q. Without telling us what was said, let me
25 first ask you whether or not he was -- if you knew

1 from conversations whether he was dealing with the
2 Gallegos brothers.

3 MR. SINDEL: Objection.

4 THE COURT: Well, I'll sustain that. If
5 he knows from some other source.

6 MR. CASTELLANO: I'll lay the foundation.

7 THE COURT: All right.

8 BY MR. CASTELLANO:

9 Q. Did you have a conversation with Mr. Burns
10 about the Gallegos brothers?

11 MR. SINDEL: Well, Your Honor --

12 THE COURT: Sustained.

13 MR. SINDEL: Object to the conversation.

14 THE COURT: Sustained.

15 MR. CASTELLANO: I'm getting to what he --

16 THE COURT: Well, I just think this is
17 getting into hearsay. If he observed him sell it,
18 if he knows from some other way other than
19 conversations, he can testify about that. But not
20 just conversations.

21 BY MR. CASTELLANO:

22 Q. Did you give any warnings to Mr. Burns
23 about the Gallegos brothers?

24 A. I did.

25 Q. Okay. And what did you warn him to do or

1 not do?

2 MR. SINDEL: Well, I'll object to this in
3 terms of relevance.

4 THE COURT: I'll allow it. Overruled.

5 BY MR. CASTELLANO:

6 Q. You can answer that question, sir.

7 A. He told me he didn't want --

8 THE COURT: No, no, no. Tell them what
9 you said, not what they said to you.

10 THE WITNESS: Sorry, Your Honor.

11 BY MR. CASTELLANO:

12 Q. When you were having the conversation with
13 him, what did you -- I only want your words -- what
14 did you tell him he should or shouldn't be doing
15 with the Gallegos brothers?

16 A. That he shouldn't be selling to them.

17 Q. And when I say "the Gallegos brothers,"
18 which brothers were you referring to?

19 A. To Lawrence and Andrew.

20 Q. And about how close in time to his death
21 did you tell him not to deal to the Gallegos
22 brothers?

23 A. Within a week.

24 Q. And when I say "deal," I'm asking you
25 whether you told him not to sell drugs to them.

1 A. Correct.

2 Q. And was it during that timeframe that you
3 and he would sometimes get drugs for each other if
4 the other person didn't have them?

5 A. Correct.

6 Q. Now, do you remember when Adrian Burns
7 died or went missing?

8 A. More or less, yes.

9 Q. And after Mr. Burns' death, I want to ask
10 you about an interaction you had with Joe Gallegos.
11 Do you remember that?

12 A. Correct.

13 Q. And where did that interaction happen with
14 him?

15 A. At my dad's house.

16 Q. Why did the two of you have that meeting
17 or interaction?

18 A. I was told that he was --

19 MR. SINDEL: Objection, Your Honor, to
20 what he was told. Hearsay.

21 THE COURT: Sustained.

22 BY MR. CASTELLANO:

23 Q. Let me ask you this. Had you been looking
24 for Joe Gallegos?

25 A. Correct.

1 Q. And I don't want -- you don't have to tell
2 us what people told you, but were you looking for
3 him because people told you something about him?

4 A. Correct.

5 Q. As a result of you looking for him, did a
6 mutual friend of yours set up a meeting between you
7 and Joe Gallegos?

8 A. Yes.

9 Q. Who was that person who set up the
10 meeting?

11 A. Our friend Spider.

12 Q. And were you at your dad's house already?

13 A. Correct.

14 Q. And do you recall if Spider called Joe
15 Gallegos to go over to the house?

16 A. Correct.

17 Q. I want to ask you now about the
18 conversation between you and Joe Gallegos at that
19 time. And if you recall, about how soon after Mr.
20 Burns' death did that meeting happen?

21 A. From what I recall, a couple days, within
22 a couple days.

23 Q. Please tell us about the conversation
24 between you and Joe Gallegos.

25 A. I asked him if he was looking to kill me,

1 and that I had heard that he was looking to kill me,
2 and he had killed my friend. And he said, "I don't
3 have no problems with you, bro. And anything else,
4 you need to just mind your own business."

5 So I minded my own business.

6 Q. And when you mentioned your friend, who
7 were you referring to?

8 A. Adrian Burns.

9 Q. And did you ask him specifically about
10 Adrian Burns?

11 A. Yes.

12 Q. And when you asked what happened to Adrian
13 Burns, what was his response?

14 A. He told me just mind my own business.

15 Q. Did you decide to leave the SNM Gang?

16 A. Correct.

17 Q. Why is that?

18 A. I've learned that it's just a bunch of
19 lies.

20 Q. At some point did the SNM Gang turn out
21 not to be what you thought it was?

22 A. Correct.

23 Q. I want to ask you about at least one other
24 member from that gang. Do you know somebody named
25 Daniel Sanchez or Dan Dan?

1 A. Correct.

2 Q. How do you know Dan Dan Sanchez?

3 A. He's a friend of the family.

4 Q. What area is he from?

5 A. Belen.

6 Q. And are you aware, from your dealings with
7 the SNM, whether or not he also became an SNM Gang
8 member?

9 A. Correct.

10 Q. When you had this meeting with Joe
11 Gallegos, were either of you carrying firearms?

12 A. Yes.

13 Q. What kind of firearm did you have?

14 A. I had a .22.

15 Q. What kind of firearm did he have?

16 A. He had -- I believe it was a -- two Glock
17 40s.

18 Q. Given the fact that you were both armed
19 during this meeting, did each of you -- were each of
20 you able to see each other's firearms?

21 A. I believe so.

22 Q. And as a result of you having meetings and
23 you both talking and he said he didn't have a
24 problem with you, did you basically resolve any
25 issues at that time?

1 A. Yeah, I didn't have no problems with him.
2 He told me he didn't have no problems with me. So
3 we went our separate ways, and that was it.

4 Q. Now, as part of this case, have you met
5 with law enforcement to tell them about the case?

6 A. What do you mean?

7 Q. Have you spoken with someone named Bryan
8 Acee?

9 A. Correct.

10 Q. And have you spoken with him more than
11 once?

12 A. Correct.

13 Q. And in addition to what you're telling us
14 in court today, have you told him other things about
15 the SNM Gang?

16 A. Correct.

17 Q. And do you recall having approximately a
18 two-hour recorded interview with him?

19 A. Correct.

20 Q. Did you receive anything as a result of
21 providing information to Agent Acee?

22 A. No.

23 Q. Has Agent Acee charged you with any
24 crimes?

25 A. No, sir.

1 Q. When you met with Agent Acee, was it your
2 understanding that he wanted you to become a witness
3 in this case?

4 A. Correct.

5 Q. Is that why you're here?

6 A. Yes, sir.

7 Q. And have you been subpoenaed to come to
8 court?

9 A. I was told to come.

10 MR. CASTELLANO: May I have a moment, Your
11 Honor?

12 THE COURT: You may.

13 MR. CASTELLANO: Thank you, Your Honor. I
14 pass the witness.

15 THE COURT: Thank you, Mr. Castellano.

16 Mr. Sindel? Mr. Roberts?

17 All right. Mr. Sindel, do you have
18 cross-examination of Mr. Romero?

19 CROSS-EXAMINATION

20 BY MR. SINDEL:

21 Q. My name is Richard Sindel. I represent
22 Joe Gallegos. You had said that you received
23 nothing for your testimony; is that what you just
24 said?

25 A. Yes, sir.

1 Q. During your time that you spent with Bryan
2 Acee, did you throughout the interview call him
3 "bro"? Correct?

4 A. Yes.

5 Q. Did he call you "bro"?

6 A. Correct.

7 Q. Do you consider you guys carnals?

8 A. No, sir.

9 Q. Do you consider you each brothers?

10 A. No, sir.

11 Q. But you just used that phrase as you and
12 he communicated; is that right?

13 A. Well, yes, sir.

14 Q. And then at the end of the two-hour
15 interview that you did with him, was there some
16 discussion about you relocating?

17 A. Relocating where?

18 Q. Like moving somewhere, getting a new
19 identity, whatever? Was it something that you and
20 he discussed at the end of that two-hour "bro"
21 interview?

22 A. I'm not too sure. I can't remember.

23 Q. Well, let me ask you this: Have you ever
24 listened to that again, the interview?

25 A. No, sir.

1 Q. You knew it was tape-recorded; right?

2 A. Yes, sir.

3 Q. He told you he was taping it; right?

4 A. Yes, sir.

5 Q. That's not the only tape-recorded
6 interview you've given, is it?

7 A. No --

8 Q. I can't hear you.

9 A. No, sir.

10 Q. So how many tape-recorded interviews have
11 you given?

12 A. I think there was two.

13 Q. How about four?

14 A. Okay.

15 Q. Is that right?

16 A. I guess.

17 Q. I don't want you to guess. Have you been
18 interviewed by people other than Agent Acee?

19 A. I'm not too sure.

20 Q. Okay. Let's see here --

21 A. Pertaining to this case?

22 Q. Pertaining to this case. I don't care
23 about whether you've been interviewed by 60 Minutes.
24 I just care about this case.

25 A. I thought I had only talked to Bryan Acee

1 about this case.

2 Q. That's the only one you remember talking
3 to; is that right?

4 A. Yes, sir.

5 Q. I want you to think hard now. If that's
6 right, that's right; I'll accept that. I just want
7 to make sure you're right.

8 A. (Witness nods.)

9 Q. Did Bryan Acee -- well, let me ask you
10 this: When is the last time you talked to any
11 member of the prosecution team over here?

12 A. When did I talk to them last?

13 Q. When is the last time?

14 A. Yesterday.

15 Q. Did you talk to them this morning?

16 A. Just as I walked in the door.

17 Q. Did they meet with you back in the back
18 room there, and they talked with you; right?

19 A. Yes.

20 Q. When was it they talked to you before,
21 right before that? Keep your voice up, please.

22 A. That -- when did they talk to me right
23 before that?

24 Q. Yeah.

25 A. Yesterday.

1 Q. We know they met with you today. Did they
2 meet with you yesterday?

3 A. Yesterday.

4 Q. Okay. Did they talk to you about your
5 testimony?

6 A. An attorney did.

7 Q. An attorney did. Did you discuss with any
8 members from the team over here -- Acee, Castellano,
9 Armijo, Mr. Beck, any of those individuals -- your
10 testimony here today?

11 A. Yes.

12 Q. Okay. That wasn't too hard to remember,
13 was it?

14 A. Well, no.

15 Q. Okay. Did they at any time show you any
16 of the reports that were prepared in connection with
17 your testimony?

18 A. Yes.

19 Q. And did you read those?

20 A. Yes.

21 Q. And so you knew exactly what they were
22 going to ask you; correct?

23 A. Well, more -- I guess, yes.

24 Q. And you knew what you had said in the
25 past; right?

1 A. Yes.

2 Q. So did they show you any reports that had
3 been prepared by Agent Acee?

4 A. I had -- I guess I don't know who did the
5 paperwork.

6 Q. Did you look at the -- did it have a name
7 at the top that said "Agent Acee and I" or "I, Agent
8 Acee, on this date talked with Mr. Romero"?

9 A. Yes.

10 Q. Okay. So who was the name at the top when
11 you reviewed those reports?

12 A. That's me and Bryan.

13 Q. Okay. I refer to him as "Acee," but you
14 call him either "bro" or "Bryan"; right?

15 A. (Laughs).

16 Q. So the situation was, you said to Mr.
17 Castellano, "I've received nothing"; right?

18 A. Nothing at all, bro.

19 Q. I've been elevated.

20 A. You know how we do it.

21 Q. Is that how you do it?

22 A. Yes, sir.

23 Q. Well, if you don't mind, I'll just refer
24 to you as Mr. Romero at this point. Okay?

25 A. Thank you, bro.

1 Q. All right. And are you free today?

2 A. Yes, sir.

3 Q. You walk in and out of that door a free
4 man; right?

5 A. Yes, sir.

6 Q. You haven't been charged with any crimes;
7 correct?

8 A. Yes, sir.

9 Q. You understand that possessing heroin is a
10 crime?

11 A. Yes, sir.

12 Q. You understand that possessing firearms by
13 a felon is a crime?

14 A. Yes, sir.

15 Q. And the first time you discussed anything
16 with Mr. Acee was after they had raided your home;
17 right?

18 A. Correct.

19 Q. They had -- in the last brief period of
20 time, they have raided your home five times, haven't
21 they?

22 A. Correct.

23 Q. And basically, did Agent Acee indicate to
24 you that when they raided your home, it was a
25 fishing expedition? Do you remember him using that

1 phrase?

2 A. I don't remember.

3 Q. Think hard.

4 A. Well, it could have been said. There has
5 been a lot said. There has been a lot said.

6 Q. A lot of times that the police have shown
7 up at your home?

8 A. Yeah.

9 Q. There was a raid in which you said at one
10 time there were 40 cops there --

11 A. Yes.

12 Q. -- correct? A helicopter overhead;
13 correct?

14 A. Yes.

15 Q. And they took your wife out and they
16 handcuffed her?

17 A. Correct.

18 Q. All in front of your child?

19 A. Correct.

20 Q. And that was pretty traumatic for your
21 wife, wasn't it?

22 A. Yes, it was.

23 Q. And it was certainly disturbing to you.

24 A. Yes, it was.

25 Q. And when you talked to Agent Acee, he

1 indicated that they have the power and authority to
2 do one of those raids whenever they go to a court
3 and get a document that allows them to.

4 A. Correct.

5 Q. And he said, "You know, if I need to, I
6 can follow you around and I can get another search
7 warrant and bust down your door again."

8 A. Correct.

9 Q. "And surround your house with helicopters
10 and cops"; right?

11 A. (Witness nods.)

12 Q. Since you talked to him, have they been to
13 your house and handcuffed your wife?

14 A. No.

15 Q. Have they scared the heck out of your
16 small child?

17 A. No.

18 Q. Is that a benefit? Are you glad that
19 didn't happen?

20 A. Yeah.

21 THE COURT: Mr. Sindel, would this be a
22 good time for us to take our lunch break?

23 MR. SINDEL: It would, Your Honor.

24 THE COURT: I think everybody wants to do
25 the food trucks today, so we'll be in recess for an

1 hour. Have a good lunch. All rise.

2 (The jury left the courtroom.)

3 THE COURT: All right. We'll be in recess
4 for an hour.

5 (The Court stood in recess.)

6 THE COURT: All right. I think we've got
7 all the defendants in the courtroom and an attorney
8 for each defendant.

9 Mr. Beck, did you have something you
10 wanted to say?

11 MR. BECK: I did, Your Honor. Each of
12 those three cooperators whom the Court referred to
13 as enterprise witnesses are not enterprise
14 witnesses. They are fact witnesses as to admissions
15 made by I think two, at least, if not three of the
16 witnesses in this room. And that's the purpose
17 we're calling them for, as opposed to just
18 enterprise activity. I think we necessarily need to
19 bring out a little bit of enterprise activity just
20 because I expect that will be the focus of the
21 cross-examination. But that is not the purpose for
22 why we would call those witnesses.

23 We have -- that's why we took off Robert
24 Lovato. He had some fact witness, but was mostly
25 enterprise. And that's why we agreed to get rid of

1 him. So we have pared down to the extent that now
2 these are all fact witnesses.

3 THE COURT: All right. Let me think about
4 that. All rise.

5 (The jury entered the courtroom.)

6 THE COURT: Everyone be seated. How were
7 the food trucks? Food truck Wednesday. We bring
8 you real excitement in Las Cruces. You'll be
9 thanking me later; right?

10 MR. SINDEL: Snoozing later.

11 THE COURT: Oh, no. Don't say that.
12 They're wide awake. They're ready to go.

13 All right. Mr. Romero, I'll remind you
14 that you're still under oath.

15 Mr. Sindel, if you wish to continue your
16 cross-examination of Mr. Romero, you may do so at
17 this time.

18 MR. SINDEL: Thank you.

19 THE COURT: Mr. Sindel.

20 BY MR. SINDEL:

21 Q. When we broke for lunch, we were talking
22 about the search warrants, the raids, the Seal Team
23 6 raids on your house; right?

24 A. Yes, sir.

25 Q. And you know at least that one of those

1 raids, one of the last ones before you talked to
2 Agent Acee, they seized a gun from your property;
3 right?

4 A. Yes, sir.

5 Q. And they seized \$10,000 in cash; correct?

6 A. No, sir.

7 Q. They seized and took \$9,700 something in
8 cash; correct?

9 A. Yeah.

10 Q. Yes?

11 A. It wasn't \$10,000, though.

12 Q. You're right. Sorry about that. Almost
13 \$10,000 in cash; right?

14 A. Yes, sir.

15 Q. And you have already told us that you're
16 busy dealing in heroin?

17 A. Yes.

18 Q. You're selling to Adrian Burns?

19 A. Yes, sir.

20 Q. And you're selling to Jason and Karen
21 Cartwright; right?

22 A. Yes, sir.

23 Q. And you're selling to other people; either
24 they're mid-level dealers or they're street people;
25 right?

1 A. Yes, sir.

2 Q. You could be selling to a distributor or
3 you could be selling to a user.

4 A. No, strictly users, mostly users.

5 Q. Was Adrian Burns a dealer or mostly a
6 user?

7 A. Well, I mean, he used as well, so --

8 Q. Okay. Well, but I mean, we're talking
9 about mostly here -- those were the words you used.
10 You've already testified for them that he was
11 selling; right?

12 A. Yeah, he was selling, but he was also
13 using.

14 Q. Okay. So he was a seller?

15 A. And a user.

16 Q. And a user; correct?

17 A. Yes.

18 Q. He sold to various people on the street,
19 just like you did; right?

20 A. Yes, sir.

21 Q. Now, you haven't been prosecuted for
22 possession of a firearm by a felon, have you?

23 A. No, sir.

24 Q. And you haven't been prosecuted for
25 selling drugs to other dealers, have you?

1 A. No, sir.

2 Q. And you haven't been prosecuted for
3 selling drugs to Jason Van Veghel, or Karen, his
4 girlfriend, have you?

5 A. Former girlfriend, but no.

6 Q. Okay. Former girlfriend. None of those
7 people or anyone else that you sold to are you
8 fearing that you will be prosecuted for; correct?

9 A. That I haven't sold to them?

10 Q. No. You don't fear that they're going to
11 bring charges against you. You're not afraid of
12 that, are you?

13 A. Well, it's been a while since I sold to
14 them, so no.

15 Q. I'm just asking you, are you afraid that
16 they might try to bring charges against you, sir?

17 A. Well, if I started selling again, of
18 course, they would.

19 Q. Are you afraid that they -- let me ask you
20 this: Are you regularly going to the methadone
21 clinic?

22 A. Yes, sir.

23 Q. Do you talk with people there at the
24 methadone clinic?

25 A. Yes, sir.

1 Q. Do you talk to them about distributing or
2 selling drugs?

3 A. Yes, sir.

4 Q. Now, what I'm asking you, then, is: Are
5 you concerned in any sense that they might prosecute
6 you for any of these charges or crimes that you
7 committed?

8 A. No, sir.

9 Q. Okay. A benefit; right? That's good
10 news, isn't it?

11 A. I guess.

12 Q. Well, let's see. "I guess." Okay. So,
13 then, do you want to go back to prison?

14 A. No. That's why I stopped selling.

15 Q. Do you want to leave your little boy
16 without a father?

17 A. That's why I stopped selling.

18 Q. But you wouldn't want to be prosecuted for
19 any of these crimes that you've told us you've done;
20 right?

21 A. Yes, sir.

22 Q. Are you really guessing so, or are you
23 pretty damn -- I'm sorry, are you pretty sure?

24 A. Pretty sure what?

25 Q. That you don't want to go back to prison.

1 A. Yeah. Nobody wants to go back to prison.

2 Q. Now, you talked about becoming a member of
3 the SNM when you went to prison; right?

4 A. Yes.

5 Q. Who was your sponsor? Who sponsored you
6 into that?

7 A. I have a cousin, Daniel Silva.

8 Q. Anyone else?

9 A. Emmett Cortez.

10 Q. Okay. Anyone else?

11 A. Those were the two at the time.

12 Q. And who taught you about the rules of
13 conduct in the SNM?

14 A. My Primo, Rabbit, and the homie -- another
15 homie, Huero, when I was younger.

16 Q. So Joe Gallegos didn't sponsor you;
17 correct?

18 A. No.

19 Q. He didn't teach you anything about the SNM
20 rules; right?

21 A. No.

22 Q. Who -- did Joe Gallegos give you an order
23 to hit Jerry Armenta, the AB?

24 A. No.

25 Q. When you say AB, you're talking about

1 Aryan Brotherhood; right?

2 A. Yes.

3 Q. Did he give you the orders to hit anyone?

4 A. No.

5 Q. Did you think that he had the authority to
6 ever do that?

7 A. He never opposed me about it, so I never
8 questioned it.

9 Q. And as I recall your testimony on direct,
10 you said that you met Mr. Burns for the first time
11 at the parole office.

12 A. Yes, sir.

13 Q. You were on parole, which means that
14 that's kind of the remainder of your prison
15 sentence?

16 A. Yes, sir.

17 Q. And you understood he's on probation?

18 A. Yes, sir.

19 Q. So you guys hook up and eventually you
20 start talking about dealing heroin together; right?

21 A. Yes, sir.

22 Q. He's your partner in dealing heroin?

23 A. Yes, sir.

24 Q. And Amber Sutton -- do you know her?

25 A. Yes, sir.

1 Q. She was his girlfriend?

2 A. Yes, sir.

3 Q. Would she go with him to deal drugs, as
4 far as you know?

5 A. She was with him in the car, but she
6 wasn't a part of no deal.

7 Q. Well, I mean, did you have -- would it
8 have surprised you for her to say, "I had no idea
9 that there were drug sales going on"?

10 A. No.

11 Q. All right. So she's sitting in the car,
12 but that doesn't mean she doesn't know, does it?

13 A. No, of course not.

14 Q. Of course she knows; right?

15 A. Right.

16 Q. And she knew what Adrian was into in terms
17 of selling drugs, all the different people that he
18 sold to?

19 A. Yes.

20 Q. And you know you had a .22 caliber gun,
21 you had other guns. You know it can be a dangerous
22 occupation; correct?

23 A. Yes, sir.

24 Q. So Adrian is sitting there at the
25 courthouse. I think you said you went there for

1 some traffic matters. And he asked you, can you
2 hook him up with some heroin?

3 A. Yes, sir.

4 Q. Was he sick? Was he going through
5 withdrawals, or did he just want it?

6 A. No, he didn't seem like he was sick.

7 Q. Okay. You've seen people that are on that
8 edge where they're actually dope sick; right?

9 A. Yes.

10 Q. And they become even more desperate for
11 the drug; correct?

12 A. Yes, sir.

13 Q. And then at some point in time, obviously,
14 you said, "Not only can I supply you with the drugs;
15 I can also supply you with enough drugs that you can
16 sell them and make money, cash money"; right? I
17 mean, you don't deal in credit cards; right?

18 A. No, sir.

19 Q. You don't take checks; right?

20 A. No, sir.

21 Q. It's cash?

22 A. Yes, sir.

23 Q. Did Amber Sutton ever come to you and
24 accuse you of having been involved in Adrian's
25 death?

1 A. I had heard something like that, but she
2 had never told me to my face.

3 Q. Didn't she come to you after a trip into
4 Albuquerque and say that a close friend was involved
5 with Adrian's death?

6 A. It was said at a party, but it wasn't -- I
7 wasn't there.

8 Q. Okay. Did someone -- did she come to you
9 and say something to you about having concerns that
10 you might have been involved in Adrian's --

11 A. No.

12 MR. CASTELLANO: Objection, hearsay.

13 THE COURT: Mr. Castellano. Overruled.

14 BY MR. SINDEL:

15 Q. Did she --

16 A. No, she never came at me to my face.

17 Q. Did you know that he was killed with a .22
18 caliber gun?

19 A. No, not --

20 Q. You just started to nod your head and then
21 you said "No." Which is it?

22 A. I didn't have knowledge of it, no.

23 Q. But you had a .22 caliber gun when you had
24 the face-off with Mr. Gallegos, didn't you?

25 A. Yes, sir.

1 Q. When you were in prison, you abided not
2 only with the SNM little rules and regulations but
3 what has been called in this courtroom the convict
4 code?

5 A. Yes, sir.

6 Q. You know what that is; right?

7 A. Yes, sir.

8 Q. And if someone comes around you and begins
9 asking you a lot of questions about your case or
10 your past history, your girlfriend or your family,
11 do you become suspicious?

12 A. Yes, sir.

13 Q. And you know that informants are people
14 that insinuate themselves into your life to try and
15 learn something that they can then use against you;
16 right?

17 A. Yes.

18 Q. So you've got to be always sort of on your
19 guard; right?

20 A. Yes.

21 Q. Would it be fair to say that one of the
22 essences of the convict code is respect?

23 A. Yes.

24 Q. And the other one is: Mind your own
25 business?

1 A. Yes, sir.

2 Q. Now, we had talked at the beginning about
3 whether or not there were ever situations when you
4 were tape-recorded. Do you remember that
5 conversation?

6 A. Yes, sir.

7 Q. And then I mentioned the fact that Acee
8 had tape-recorded you, let's see, back in March of
9 2017. Would that be consistent with your memory as
10 to when he interviewed you?

11 A. Yes, sir.

12 Q. It was a long interview. A two-hour
13 interview, I think?

14 A. Yes.

15 Q. With Mr. Castellano; correct?

16 A. Yes.

17 Q. And then I asked you if there were any
18 other taped interviews. And I'm going to refer you
19 to an interview on January 14, 2012 (sic) by Agent
20 Richard Williamson of the New Mexico State Police,
21 and Agent Jim Mowduk, M-O-W-D-U-K. Do you remember
22 being interviewed by them back in January of 2012?

23 A. I don't remember. I don't remember what
24 day it was or what was it about. I don't know.

25 Q. Okay. Let's just not worry about the date

1 so much as whether or not you recall being
2 interviewed by them in front of your home. Agent
3 Jim Mowduk and Richard Williamson.

4 A. I've had a few cops go by my house. Like
5 I said, they raided my house a few times. So I
6 don't know which ones talked to me or what.

7 Q. Would it refresh your memory if I showed
8 up a portion of their report that they prepared in
9 connection with that interview?

10 A. Yes.

11 MR. SINDEL: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. SINDEL:

14 Q. You should pull that mic over so she can
15 continue to hear you. Do you see the date at the
16 top of this supplemental report New Mexico; right?

17 A. Yes.

18 Q. January 14, 2012. That is when they
19 interviewed you about the Adrian Burns homicide;
20 correct?

21 A. Yes, sir.

22 Q. Then I referred to this gentleman here.

23 A. Yes, sir.

24 Q. Agent Jim Mowduk, and this gentleman here,
25 Richard Williamson; correct?

1 A. Yes, sir.

2 Q. All right. Do you see an indication that
3 in front of your home they interviewed you and they
4 tape-recorded it?

5 A. Yes, sir.

6 Q. Does that refresh your recollection about
7 that particular interview, specifically about the
8 Adrian Burns homicide?

9 A. Yes, sir.

10 Q. Now, obviously, January of 2012 was five
11 and a half years ago; right?

12 A. Yes, sir.

13 Q. And if you're like every other human being
14 on this planet, your memory doesn't improve with
15 time; correct?

16 A. Yes, sir.

17 Q. So your memory on January of 2012 or some
18 of the events you testified to would be a lot
19 better.

20 A. Yes.

21 Q. Back then; right?

22 A. Yes, sir.

23 Q. And do you remember them asking you
24 questions about this meeting that you had with
25 Mr. Gallegos? And we're talking about Joe Lawrence

1 Gallegos; right?

2 A. Yes, sir.

3 Q. Do you remember them asking you about
4 that?

5 A. To be honest, I can't.

6 Q. If you need to see this, I will gladly
7 walk up and show you.

8 A. Yeah.

9 MR. SINDEL: May I approach, Your Honor?

10 THE COURT: You may.

11 BY MR. SINDEL:

12 Q. Just read this to yourself, please.

13 A. Yes.

14 Q. Yes?

15 A. Yes, sir.

16 Q. Did you read that particular page? There
17 is a lot of it that's highlighted, isn't there?

18 A. Yes, sir.

19 Q. So I can remember things; right?

20 A. Yes, sir.

21 Q. Does it say in there anything about "mind
22 your own business"?

23 A. No, sir.

24 Q. Does it say anything about him coming to
25 your house to threaten you?

1 A. No, sir.

2 Q. Does it say anything about you threatening
3 him?

4 A. No, sir.

5 Q. Does it say that the reason he came to
6 your house when you gave this interview in January
7 of 2012 was to sell you guns?

8 A. Yes, sir.

9 Q. There isn't a word about him wanting to do
10 anything else, other than sell you guns; right?

11 A. Yes.

12 Q. And you asked him basically, you know, are
13 you in danger?

14 And he said, "No, I just wanted to sell
15 you guns"?

16 A. Yes.

17 Q. Is that what you remembered back in
18 January of 2012?

19 A. Yes.

20 Q. Is that what he came to your house for?

21 A. No.

22 Q. You made that up?

23 A. No.

24 Q. Is that true?

25 A. That's -- that's some of it.

1 Q. Does it say in there a single word about
2 him threatening you?

3 A. No, because at that time it wasn't asked
4 for me from a cop of anything about Adrian Burns.

5 Q. Well, they asked you about the meeting;
6 right?

7 A. Right.

8 Q. They don't say anything about, "We asked
9 you." They said this is what you told them; right?

10 A. Yeah.

11 Q. They don't say anything about, we said --
12 we don't want to know about really everything that
13 happened. We just want to know a little bit about
14 selling the guns. That isn't in there, is it?

15 A. No.

16 Q. It appears that you told them what you
17 wanted to tell them; right?

18 A. I guess, yeah.

19 Q. And it doesn't say anything in there about
20 anything other than "I want to sell you a gun, some
21 guns"?

22 A. Yes.

23 Q. Right. It doesn't even say that you had
24 your gun out; right?

25 A. Yes.

1 Q. That's not even in there, is it?

2 A. No.

3 Q. Now, we talked a little bit about Agent
4 Acee's interview of you and that that was
5 tape-recorded; correct?

6 A. Yes.

7 Q. And you know he talked to you about
8 sometimes they have to bust into someone's house in
9 order to talk with them?

10 A. Yes.

11 Q. And they had busted into your house and he
12 was talking to you; right?

13 A. Yes.

14 Q. And he talked to you about your background
15 with the SNM?

16 A. Yes.

17 Q. He talked to you about who had sponsored
18 you and who had taught you the rules of conduct;
19 right?

20 A. Yes.

21 Q. He talked to you about who could get in
22 and who wasn't allowed in?

23 A. Yes.

24 Q. He talked to you about certain people that
25 may have walked away from the SNM, taken the

1 Christian route; right?

2 A. Yes.

3 Q. You said, you know, you didn't necessarily
4 believe them because you thought they just did that
5 to get high?

6 A. Yes.

7 Q. As long as they were getting high, they
8 weren't Christians; right?

9 A. Yes.

10 Q. As far as you were concerned?

11 A. Yes.

12 Q. And he also talked to you a little bit
13 about the conflict that was going on with the SNM
14 and about a guy named Styx?

15 A. Yes.

16 Q. Do you know Styx?

17 A. Not personally.

18 Q. You know of him?

19 A. Yes.

20 Q. Gerald Archuleta?

21 A. Yes.

22 Q. And you said, "Look. With Styx running
23 things, it's just everybody is kill or be killed"?

24 A. Yes.

25 Q. You understood that if you got some kind

1 of order, that if you didn't comply, you might end
2 up dead?

3 A. Yes.

4 Q. And that this division within the SNM was
5 between Julian Romero and Boo Boo. Is that Robert
6 Lovato?

7 A. Yes.

8 Q. And Styx, or Mr. Archuleta; right?

9 A. Yes.

10 Q. In other words, you had the same concerns
11 that other people have voiced, that guys like Chris
12 Garcia, who was a known informant, remained sort of
13 untouched within the SNM because he could bring in
14 lots of drugs?

15 A. Yes, sir.

16 Q. And that the SNM was becoming much more of
17 a haven for drugs rather than a place of secure
18 brotherhood and protection?

19 A. Yes, sir.

20 Q. He asked you questions about Jason?

21 A. Yes.

22 Q. And did you describe Jason as a snake?

23 A. Yes.

24 Q. And did you say that Jason would basically
25 do anything as long as he could get heroin?

1 A. Yes.

2 Q. That Jason we're talking about -- I may
3 mispronounce his name -- is Van Veghel -- is that
4 the person we're talking about, the ex-boyfriend of
5 Karen Cartwright?

6 A. Yes.

7 Q. And you were kind of close to Karen,
8 right: You had a background with her; right?

9 A. Yes.

10 Q. And you remember that you were talking to
11 Agent Acee about Amber Sutton?

12 A. Yes.

13 Q. And that she -- how she'd gone to Taos to
14 some curandera?

15 A. Curandera.

16 Q. I'm sorry, say it again for me?

17 A. Curandera.

18 Q. C-U-R-A-N-D-E-R-A; is that right?

19 A. Yes.

20 Q. And she said --

21 MR. CASTELLANO: I'm going to object to
22 hearsay, Your Honor.

23 MR. SINDEL: No, no. Just a second. I'll
24 try to lay an appropriate --

25 MR. CASTELLANO: And foundation.

1 MR. SINDEL: I'm going to do that. All
2 right.

3 BY MR. SINDEL:

4 Q. This is a conversation that you had with
5 Amber Sutton?

6 A. No.

7 Q. Okay. Well, would you describe Amber
8 Sutton as Adrian Burns' chick?

9 A. Correct.

10 Q. And was Adrian Burns' chick spreading
11 rumors that you were involved in his homicide?

12 A. Correct.

13 Q. Was there a conversation that you also had
14 with Agent Acee about the fact that there were
15 people that would come in and provide fake
16 information in order to get out of the jail?

17 A. Correct.

18 Q. Especially if they're dope sick?

19 A. Correct.

20 MR. CASTELLANO: Objection as to hearsay,
21 Your Honor, unless he has personal knowledge of this
22 information.

23 MR. SINDEL: I'm sorry. I'll lay a
24 foundation.

25 THE COURT: Overruled.

1 BY MR. SINDEL:

2 Q. You know people who do that; right?

3 A. Correct.

4 Q. It is common knowledge that -- you've
5 heard the phrase "rats leaving a sinking ship";
6 right?

7 A. No, I haven't heard that before.

8 Q. Well, you know that people will begin
9 informing and cooperating in order to get benefits;
10 right?

11 A. Correct.

12 Q. And that they fall like dominoes; one
13 starts, and then another, and then another?

14 A. Yes, sir.

15 Q. Now, during the course of this lengthy
16 interview with Agent Acee, did you do your best to
17 answer whatever questions he had?

18 A. Yes, sir.

19 Q. Did you talk to him about Jose Gomez?

20 A. Yes, sir.

21 Q. Did you tell him that Jose Gomez was a
22 wife beater and a rapist?

23 A. Yes.

24 MR. CASTELLANO: Objection, hearsay.

25 THE COURT: Well --

1 MR. CASTELLANO: Out-of-court statement.

2 THE COURT: Well, are we impeaching him or
3 just trying to get out-of-court statements? I guess
4 I'm not sure what we're doing. I'm going to
5 sustain, because it sounds like these are just being
6 offered for the truth. You might be able to reword
7 questions.

8 MR. SINDEL: I will.

9 BY MR. SINDEL:

10 Q. Did you describe to Acee anything about
11 Jose Gomez about --

12 MR. CASTELLANO: Objection, hearsay.

13 THE COURT: Sustained.

14 MR. SINDEL: I didn't ask him what he did.

15 THE COURT: Well, I just think you're
16 talking about out-of-court statements, and you're
17 asking him, is it true that he made those
18 statements. I just think if you want to ask him
19 about Jose Gomez, you can. But I'm not sure that
20 these statements --

21 MR. SINDEL: I'll rephrase, if I may.

22 THE COURT: You may.

23 BY MR. SINDEL:

24 Q. You know who Jose Gomez is, don't you?

25 A. Yes.

1 Q. And did you talk to Agent Acee about Jose
2 Gomez?

3 A. Yes.

4 Q. And yes or no, did you tell Agent Acee
5 about Jose Gomez's reputation in the community?

6 A. Yes.

7 Q. Did you tell him about certain things that
8 you knew about his past, yes or no?

9 A. Yes.

10 Q. At some point in time did Agent Acee talk
11 to you about a woman who was allegedly writing a
12 book or an article about the SNM?

13 A. Yes.

14 Q. Did he tell you -- or did he tell you that
15 she wanted to interview you and you could be the
16 subject of either that book or that story?

17 A. I think she was a newspaper writer.

18 Q. Do you see her in the courtroom today?
19 Not over here. That wouldn't be good.

20 A. I don't know.

21 Q. Was her name Cheryl (sic)?

22 A. I think, yes, sir.

23 Q. Kind of a tall woman? Do you see this
24 woman back here on the row on the right side of the
25 courtroom? Is that her?

1 A. Yes.

2 Q. And you understood, at least, that Acee
3 said he wanted you to talk to her?

4 A. Yes.

5 Q. And you did?

6 A. Yes.

7 Q. You don't have any idea if the book is
8 going to be about you, Agent Acee, or the SNM, do
9 you?

10 A. No.

11 Q. But he wanted to make sure you hooked up
12 with her?

13 A. Well, I thought it was going to be a book
14 about my life. I thought it was going to be an
15 article about me giving up, not being involved
16 with --

17 Q. That's right. You did what you wanted to
18 do, and even though maybe you were in the drug
19 business, you weren't involved with the SNM; right?

20 A. At that time, no.

21 Q. And then earlier in our conversations, we
22 had talked about the fact that there was some
23 discussion with Agent Acee about -- let's see.
24 There have been guys in this case that we've done
25 that and they moved. Do you remember him talking

1 about moving people?

2 A. Yes.

3 Q. And then we just bring them back when they
4 have to testify?

5 A. Yes.

6 Q. And if there's something we have to look
7 at doing with you, we can look at that.

8 A. Yes.

9 Q. So he talked to you about the possible
10 benefit of being moved somewhere if you felt it was
11 appropriate.

12 A. Correct.

13 Q. At the very end he says, "If you have
14 anything you need or want, we can rap more."

15 A. Yes.

16 Q. Now, do you remember talking to a
17 gentleman named Bill Elliott as recently as April 9,
18 2018, about this case? Kind of a heavyset guy with
19 white hair. It wasn't me. But do you remember?
20 And he tape-recorded your interview?

21 A. Yes.

22 Q. That's not very long ago, right, April 9?

23 A. Yes.

24 Q. And he also interviewed you on May 28?

25 A. Yes.

1 Q. And did you tell him that you felt that
2 the FBI was twisting the things you said?

3 A. Well, we were talking back and forth and
4 he said that --

5 Q. I'm sorry. You said something, I just
6 didn't understand it. You were talking about --

7 A. Me and that guy were talking back and
8 forth, and he said that Bryan Acee had said that I
9 had accused Joe Lawrence Gallegos of killing Adrian
10 Burns. And I said, "I never said that."

11 Q. Did you say that you felt like maybe all
12 he really wanted you to do was denounce your
13 affiliation?

14 A. That's all I'm here for.

15 Q. And that's really what you want to make
16 sure that the public is aware of; correct?

17 A. Yes.

18 Q. And you had said to him, you know, "Look,
19 after that interview, I don't know why I got thrown
20 under the bus"; right?

21 A. Yes.

22 Q. And that's when you first told him about
23 the woman who was writing the article or the book;
24 right?

25 A. Yes.

1 Q. "And I told him, 'I'm not here to tell on
2 anybody because I don't know anything about current
3 events'"; right?

4 A. Yes.

5 Q. And you wanted to make sure that this jury
6 understood that the single most important message
7 for you to get across is that you don't want
8 anything to do with the SNM.

9 A. Yes.

10 Q. Did anyone ever ask you -- or are you
11 aware of anyone ever sought to do any kind of
12 ballistic test on your .22?

13 A. No, sir. It wasn't my .22.

14 Q. On the .22 that you had, that you
15 possessed --

16 A. Oh, yeah. Oh, yeah.

17 Q. Did anybody ever suggest to you or ask you
18 if they could --

19 A. No.

20 MR. SINDEL: Your witness, bro.

21 THE COURT: Thank you, Mr. Sindel.

22 Does anyone else have cross-examination of
23 Mr. Romero?

24 All right. Mr. Castellano, do you have
25 redirect of Mr. Romero?

1 REDIRECT EXAMINATION

2 BY MR. CASTELLANO:

3 Q. All right. Mr. Romero, speaking of bros,
4 did you ever call Agent Acee "carnal"?

5 A. No.

6 Q. Is there a difference in your mind in the
7 SNM between someone saying "bro" and "carnal"?

8 A. Big difference.

9 Q. Now, referring to the report that you were
10 shown from State Police from January of 2012, do you
11 remember that?

12 A. Yes, sir.

13 Q. Do you think that's a typographical error
14 when it says January of 2012? Let me ask you why.
15 Because --

16 MR. SINDEL: Your Honor, I think there's
17 two dates, and he's correct. 2013. I apologize for
18 that.

19 THE COURT: All right. Mr. Castellano.

20 BY MR. CASTELLANO:

21 Q. I just want to make that clear,
22 Mr. Romero. You couldn't have been asked about the
23 Adrian Burns homicide in January of 2012, because
24 Mr. Burns was alive then; isn't that true?

25 A. Yeah.

1 Q. He didn't die until November 2012.

2 A. Right.

3 Q. So do you see at least one error in this
4 report?

5 A. Yes, sir.

6 Q. Now, do you recall -- and if not, I can
7 refresh your recollection with the report -- about
8 what you said, some of the reasons Joe Gallegos was
9 at the house that day, in addition to the guns. If
10 you don't remember, I can refresh your recollection.

11 A. Okay.

12 Q. Do you not remember, sir?

13 A. No.

14 MR. CASTELLANO: May I approach the
15 witness, Your Honor?

16 THE COURT: You may.

17 BY MR. CASTELLANO:

18 Q. I'm going to have you read this portion
19 quietly to yourself, Mr. Romero.

20 A. Okay. Yes.

21 Q. Do you remember what Mr. Gallegos said to
22 you, in addition to the gun? What was he not there
23 for?

24 A. For not -- for me -- for not to hurt me,
25 and for me to mind my own business.

1 MR. SINDEL: Your Honor, that's not an
2 accurate statement of what's in that report at all.

3 BY MR. CASTELLANO:

4 Q. Let me ask you this --

5 THE COURT: Well, I think the question is:
6 Did he remember, and that's what he remembered.

7 So go ahead, Mr. Castellano. Overruled.

8 Q. Do you remember Mr. Joe Gallegos saying,
9 "I'm not here for that. I'm here to sell a gun"?

10 A. Yes.

11 Q. What does "that" refer to?

12 A. That refers to --

13 MR. SINDEL: Objection, Your Honor. There
14 is no way that -- this conclusion is speculation on
15 the part of this witness. It's a quotation, and
16 that's it.

17 THE COURT: What I think you can ask him
18 is: What did he understand when that statement was
19 made to him?

20 BY MR. CASTELLANO:

21 Q. Correct. Is this a statement that you
22 conveyed to state police from your conversation with
23 Mr. Gallegos?

24 A. Correct.

25 Q. And what did you understand him to mean

1 when he said, "I'm not here for that"?

2 A. That I had had my friend call him over so
3 I can ask him if he had problems with me.

4 Q. And the problems were related to what?

5 A. To drugs; for him -- for -- with the whole
6 Adrian Burns, and then coming to kill me for drugs.
7 And then he said, No, he didn't have no problems
8 with me, and just to mind my own business.

9 Q. So did you touch on that point with state
10 police and then give Agent Acee more information
11 about that conversation when you spoke to him?

12 A. Yes.

13 Q. Now, you were asked about certain things
14 you said to Agent Acee. Have you had a chance to
15 review the transcript from that conversation?

16 A. Yes.

17 Q. And do you remember everything you said to
18 Agent Acee?

19 A. It's a lot, but yeah, more or less, yes.

20 Q. And do you remember approximately how many
21 pages that transcript is?

22 A. About 170.

23 MR. CASTELLANO: May I approach the
24 witness, Your Honor?

25 THE COURT: You may.

1 BY MR. CASTELLANO:

2 Q. Just to refresh your recollection about
3 how many pages, so about how many pages is this
4 transcript?

5 A. 134.

6 Q. So do you have at the tips of your fingers
7 everything you said to Agent Acee from this
8 conversation? Do you remember every little bit?

9 A. No, I don't know. I don't know. It's a
10 lot to -- I don't know. Referring to any question
11 to the matter? I guess, yeah, I would know what I
12 had said. I don't know. That's a lot of words. I
13 don't know what the question -- I don't understand
14 the question.

15 Q. Well, you were asked by defense counsel if
16 you remember saying certain things to Agent Acee.
17 Do you remember everything you said, without looking
18 at the transcript to refresh your memory?

19 A. No.

20 Q. How many times did FBI hit your house with
21 a warrant?

22 A. Once.

23 Q. And you were asked about a firearm and
24 almost \$10,000 in cash seized. Do you remember
25 that?

1 A. Yes, sir.

2 Q. What happened to that firearm?

3 A. It was given back to me.

4 Q. Why was it given back to you?

5 A. Because it was an antique and it belonged
6 to my chick's mom -- dad, and it was my chick's
7 mom's.

8 Q. Where did that money come from?

9 A. I had won it that night at the casino.

10 Q. Were you able to provide Agent Acee
11 receipts from the casino indicating where that money
12 came from?

13 A. Yes, I did.

14 MR. SINDEL: Your Honor, the receipts
15 themselves would be best evidence, or a 1099 --

16 THE COURT: Well, they might be better
17 evidence, but I think the question is proper.
18 Overruled.

19 A. Yes.

20 BY MR. CASTELLANO:

21 Q. So you provided him documentation where
22 that money came from?

23 A. Yes, sir.

24 Q. And after you provided the information,
25 what happened to that money?

1 A. He told me it would take a couple of days
2 for him to verify it, and then he gave it back to
3 me.

4 MR. SINDEL: Objection, hearsay. We don't
5 even know who the declarant is.

6 THE COURT: Well --

7 MR. CASTELLANO: I'll rephrase, Your
8 Honor.

9 THE COURT: Okay.

10 BY MR. CASTELLANO:

11 Q. What happened to the money? Don't tell me
12 about the process.

13 A. Oh, he gave it to me.

14 Q. Did you get it back?

15 A. Yes.

16 Q. You were asked about going to the
17 methadone clinic. Are you currently on methadone?

18 A. Yes.

19 Q. Why do you use methadone?

20 A. Because I'm quitting my opiate use.

21 Q. You were asked about if you wanted to go
22 back to prison. Do you remember that?

23 A. Yes.

24 Q. When was the last time you were in prison?

25 A. 2008.

1 Q. Ten years?

2 A. Yes, sir.

3 Q. You were asked about Chris Garcia. Can
4 you tell the members of the jury who that person is?

5 A. He's another SNM member.

6 Q. And you mentioned him not being touched
7 because he was able to bring in a lot of drugs?

8 A. Correct.

9 Q. Was he someone who sold drugs on behalf of
10 the gang?

11 A. I believe so.

12 Q. You were also asked about Jason Van Veghel
13 and his heroin use. Are you aware of whether or not
14 he's currently on methadone, like you?

15 A. Yes.

16 Q. You were asked about whether people give
17 false information sometimes. Do you think people
18 also give true information to law enforcement?

19 A. Correct.

20 Q. Is that what you did in this case?

21 A. Correct.

22 Q. And when you were asked about this
23 article, what was your understanding of what your
24 part would be in that article?

25 A. Just to tell my life, to tell my -- why I

1 got out of the gang, and because I had a kid and I
2 wanted to change my life.

3 Q. When Agent Acee talked to you about moving
4 you, why would he move you?

5 A. Because --

6 MR. SINDEL: Objection, Your Honor. How
7 are we supposed to read Agent Acee's mind?

8 THE COURT: Well, I think you can ask him
9 why he would want to move. But I don't think we can
10 get into Agent Acee's comments or thoughts.

11 BY MR. CASTELLANO:

12 Q. Mr. Romero, why would you want to move?

13 A. For my protection.

14 Q. You were also asked about FBI twisting
15 your words, and you saying you didn't accuse Joe
16 Lawrence of anything; is that true? And by that I
17 mean, have you actually accused Joe Lawrence
18 Gallegos of the Adrian Burns murder?

19 A. No.

20 Q. Have you just told the jury about a
21 conversation you had with him?

22 A. Correct.

23 Q. When you said you weren't here to tell
24 current events, would you be able to tell anybody
25 current events about the SNM in prison if you

1 haven't been there for ten years?

2 A. No.

3 MR. CASTELLANO: I pass the witness, Your
4 Honor.

5 THE COURT: Thank you, Mr. Castellano.

6 All right. Mr. Romero, you may step down.

7 Is there any reason that Mr. Romero cannot
8 be excused from the proceedings? Mr. Castellano?

9 MR. CASTELLANO: No, Your Honor.

10 THE COURT: Any objection, Mr. Sindel?

11 MR. SINDEL: No, Your Honor.

12 THE COURT: All right. Not seeing or
13 hearing any objection, you are excused from the
14 proceedings. Thank you for your testimony.

15 THE WITNESS: Thank you.

16

17

18

19

20

21

22

23

24

25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349

**BEAN
& ASSOCIATES, Inc.**
PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 14th day of May, 2018.

13

14

15

16

17

18

19

20

21

22

23

24

25

Jennifer Bean, FAPR, RMR-RDR-CCR
Certified Realtime Reporter
United States Court Reporter
NM Certified Court Reporter #94
333 Lomas, Northwest
Albuquerque, New Mexico 87102
Phone: (505) 348-2283
Fax: (505) 843-9492
License expires: 12/31/18

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349

BEAN
& ASSOCIATES, Inc.
PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com